

REMARKS

This Reply is in response to the Final Office Action mailed on October 26, 2007 in which claims 59-62 were withdrawn and in which claims 43-58 were rejected. With this response, withdrawn claims 59-62 are canceled to place the application in condition for allowance or in better form for appeal. Claims 43-52 and 55-58 are presented for reconsideration and allowance.

I. Request for Withdrawal of the Final Office Action Mailed on October 26, 2007

Applicants respectfully request that the Final Office Action be withdrawn since the Final Office Action is incomplete.

The final Office action should be withdrawn because the final Office Action is incomplete. 37 CFR 1.104 recites

(a) *Examiner's action.*

(1) On taking up an application for examination or a patent in a reexamination proceeding, the examiner shall make a thorough study thereof and shall make a thorough investigation of the available prior art relating to the subject matter of the claimed invention. The examination shall be complete with respect both to compliance of the application or patent under reexamination with the applicable statutes and rules and to the patentability of the invention as claimed, as well as with respect to matters of form, unless otherwise indicated.

(2) The applicant, or in the case of a reexamination proceeding, both the patent owner and the requester, will be notified of the examiner's action. The reasons for any adverse action or any objection or requirement will be stated in an Office action and such information or references will be given as may be useful in aiding the applicant, or in the case of a reexamination proceeding the patent owner, to judge the propriety of continuing the prosecution.

....

(b) Completeness of examiner's action. The examiner's action will be complete as to all matters, except that in appropriate circumstances, such as misjoinder of invention, fundamental defects in the application, and the like, the action of the examiner may be limited to such matters before further action is made. However, matters of form need not be raised by the examiner until a claim is found allowable.

(c) Rejection of claims.

(1) If the invention is not considered patentable, or not considered patentable as claimed, the claims, or those considered unpatentable will be rejected.

(2) In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.

(Emphasis added).

In the present case, the Final Office Action is incomplete as to all matters since the Office Action rejects since the Office Action rejects claim 58 but **fails** to provide any basis for such rejection. Thus, the finality of the present Office Action is improper and should be withdrawn. As noted in the MPEP, the previous Final Action should be withdrawn and a new non-final Office Action including consideration of the present amendments should be issued.

II. Rejection of Claims 43-51 under 35 USC 103(a) Based upon Wright and Burikov

Page 2 of the Office Action rejected claims 43-51 under 35 USC 103(a) as being unpatentable over Wright et al. US Patent 5,456,539 in view of Burikov US Patent 6,341,839.

Claim 43 recites at least one printing unit disposed on a closed print head path and means for electrically communicating with a print controller as the printing unit travels along the closed print head path. The means includes conductive brushes extending from a print unit, wherein the

brushes are adapted to communicate with a conductive bus positioned around the closed print head path.

As acknowledged on pages 3 and 4 of the Final Office Action, Wright fails to disclose conductive brushes adapted to communicate with a conductive bus positioned around a closed print head path. As a result, the Office Action attempts to additionally rely upon Burikov US Patent 6,341,839 by asserting:

Burikov et al. teaches in Fig. 2, a device similar in structure to Wright et al., where conductive brushes, 15, extend from a printhead, 2, said the brushes, 15, being adapted to communicate with a conductive bus, 9, via brushes, 14, positioned around said closed print head path, Col. 4 lines 6-12; said brushes, 15, extend from the printing unit, 2, and communicate with the controller, 20, in the sense that electricity is conducted from bus, 9, to the printing unit, 2, in order for the print unit, 2, to operate; hence electrically communicating.

(Final Office Action dated 10/26/2007).

However, in rejecting claim 43 the Office Action fails to satisfactorily address each of the limitations of claim 54. Claim 54 not only recites a conductive brushes and a conductive bus, but also recites that the conductive brushes are used to communicate with a print controller.

Neither Wright nor Burikov, alone or in combination, disclose or suggest conductive brushes that communicate with a print controller. In contrast, the conductive brushes of Burikov are merely used to supply power to the carriage (Column 4, lines 24-26). Conductive brushes 15 of Burikov do not communicate with a print controller. In fact, Burikov specifically discloses an electronic controller 21 "for communication over a radio channel with a control unit." (Column 4, lines 19-20). One of ordinary skill in the art recognizes that using conductive brushes to power a carriage is not the same as using conductive brushes to "communicate with a print controller".

In response to such previously raised points, the Final Office Action further argues:

Insofar as the recited structure of the brushes, controller, and bus, Burikova et al. teaches all three. The brushes, 15, make contact with a bus like object, 9, which electric the communicate with the printing unit, 2, in the sense that the bus supplies electricity sent from a controller unit, 20, to the printing unit, via the conductive brushes, 15, so as to print on a roll of paper. Said another way, the controller, 20, electrically communicate with the printing unit via the direct connection between the brushes, 15, located on the printing unit, 2, and the bus, 9. This connection allows for the printing unit, 2, to be supplied with electricity and eject ink onto a substrate.

(Final Office Action, page 7) (Emphasis added).

However, this response is replete with inaccuracies and mischaracterizations. First and foremost, the transmission of power across brushes 15 does NOT result in printing on a roll of paper or the ejection of ink onto a substrate. As repeatedly previously noted, brushes 15 merely supply power to drive the carriage. (Column 4, lines 25-26. Movement of the carriage does not result in printing onto a substrate or onto a roll of paper. To achieve printing, the firing chambers (the resistors) of the print unit must actually be fired.

Second, nowhere does Burikov disclose a print unit 2. In contrast, Burikov discloses rollers 2. As noted above, the brushes merely supply power to a carriage, not a print unit.

Third, in contrast to the assertion made by the Office Action, nowhere does Burikov disclose that controller 20 is even connected to, let alone communicates via, brushes 15. Burikov fails to disclose anything about control unit 20. The only discussion of any controller is with regard to controller 21 which communicates over a radio channel with another control unit (not shown) in the process of developing images. (See column 4, lines 19-22). The Office Action makes characterized what is actually taught by Burikov. Thus, claim 43 overcomes the rejection based upon Wright and Burikov. Claims 44-51 depend from claim 43 and overcome the rejection for the same reasons.

III. Rejection of Claim 52 under 35 USC 103(a) Based upon Wright and Inoue

Page 5 of the Office Action rejected claim 52 under 35 USC 103(a) as being unpatentable over Wright et al. US Patent 5,456,539 in view of Inoue et al. Japanese 04310770. Claim 52 depends from claim 43 and overcome the rejection for the same reasons discussed above with respect to claim 43. Inoue fails to satisfy the deficiencies of Wright and Burikov.

IV. Rejection of Claims 55-57 under 35 USC 103(a) Based upon Wright, Burikov and Shen

Page 6 of the Office Action rejected claims 55-57 under 35 USC 103(a) as being unpatentable over Wright et al. US Patent 5,456,539 in view of Burikov US Patent 6,341,839 and further in view of Shen US Patent 6623105. For the reasons which follow, such rejection should be withdrawn.

Claims 55-57 depend from claim 43 and overcome the rejection for the same reasons discussed above with respect to claim 43. Shen fails to satisfy the deficiencies Wright and Burikov. The rejection of claims 55 and 56 should be withdrawn for least the following additional reasons.

Claim 55 depends from claim 43 and recites that the printing unit includes resistors configured to eject ink from associated nozzles and that the brushes are configured to electrically connect resistors to drive circuitry for the printing unit. Claim 56 depends from claim 55 and recites that the brushes are configured to provide power to selected resistors for firing the selected resistors.

Neither Wright, Burikov nor Shen, alone or in combination, disclose electrically conductive brushes electrically connect resistors to drive circuitry or brushes that provide power to selected resistors for firing the selected resistors. The Office Action acknowledges that neither Wright nor Burikov disclose that the printing unit includes resistors configured to eject ink from associated nozzles and that the brushes are configured to electrically connect resistors to drive circuitry for the printing unit. As a result, the Final Office Action attempts to additionally rely upon Shen by asserting that:

Shen teaches in Col.3 lines 47-50, a typical inkjet print head, 40, similar to the printing unit is taught in both Wright et al. and Burikov et al., containing resistors and nozzles selectively power to eject ink corresponding to characters for a point of sales device. It would have been obvious to one of ordinary skill in the art at the time the invention to include the resistors of Shen to the printing unit of Wright et al. because Shen teaches it is conventional in the art of ink jets to use such resistors to eject ink from the print head.

This argument raised by the Office Action completely misses the mark. Applicants have never argued that novelty existed because the system of claim 55 merely includes an inkjet printed having resistors. In contrast, Applicants have correctly pointed out that neither Wright nor Burikov, alone or in combination, disclose or suggest brushes that electrically connect resistors of an inkjet print head to drive circuitry for the printing unit. Like Wright and Burikov, Shen also fails to disclose or even suggest brushes that electrically connect resistors of an inkjet print head to drive circuitry for the printing unit.

Moreover, even assuming, arguendo, that would be obvious to modify the hypothetical combination of Wright and Burikov additionally based upon the teachings of Shen, the resulting hypothetical combination would still fail to disclose brushes that electrically connect resistors of an inkjet print head to drive circuitry for the printing unit. Rather, the hypothetical combination, would, at most, merely result in an inkjet printed having resistors to eject ink, wherein the selected firing of the resistors is still performed in response to signals communicated over a radio channel (not across a brush) with a control unit as taught by Burikov. (See Burikov, column 4, lines 19-20). Accordingly, the rejection of claim 35 and 56 should be withdrawn for this additional reason.

V. Conclusion

After amending the claims as set forth above, claims 43-52 and 55-58 are now pending in this application.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 08-2025. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 08-2025. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 08-2025.

Respectfully submitted,

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